

Decision
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BEFORE THE ARIZONA CORPORATION COMMISSION
DOCKETED

MAY 04 2001

WILLIAM A. MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

DOCKETED BY	<i>sd</i>
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IN THE MATTER OF THE APPLICATION) DOCKET NOS. T-01051B-01-0171
OF QWEST CORPORATION F/K/A U S WEST) T-03864A-01-0171
COMMUNICATIONS, INC., FOR APPROVAL)
OF THE THIRD AMENDMENT TO THE) DECISION NO. 63640
INTERCONNECTION AGREEMENT WITH)
IONEX COMMUNICATIONS NORTH, INC.) ORDER

Open Meeting
May 1 and 2, 2001
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On February 27, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST Communications, Inc., filed an application for approval of the Third Amendment to the Interconnection Agreement between Qwest and Ionex Communications North Inc. ("Ionex"). The original Interconnection Agreement was approved by the Commission on August 24, 2000, in Decision No. 62841.

2. The Telecommunications Act of 1996 ("1996 Act"), directed incumbent local exchange carriers to make their networks available for interconnection and resale by new entrants to the local exchange market. The 1996 Act provides for interconnection and resale agreements to be concluded by voluntary negotiation.

3. This Third Amendment to the Interconnection Agreement between Qwest and Ionex was voluntarily negotiated, without resort to arbitration.

4. Under the terms of this Third Amendment, the Interim Line Sharing Agreement is replaced in its entirety and terms and conditions relating to Line Sharing are added to the underlying Agreement.

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1 5. According to the 1996 Act, the Commission must approve voluntarily negotiated
2 interconnection and resale agreements, if their provisions are non-discriminatory and in the public
3 interest.

4 6. Staff has reviewed the Third Amendment and finds it to be non-discriminatory and in
5 the public interest. Qwest is offering the same terms and conditions of the Agreement to all other
6 interested parties. The Agreement is in the public interest because it will act to further competition
7 in the local exchange market in Arizona.

8 7. Since there are no grounds for rejection of the Third Amendment pursuant to
9 Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the
10 Third Amendment to the Interconnection Agreement between Qwest and Ionex.

11 CONCLUSIONS OF LAW

12 1. Qwest is an Arizona public service corporation within the meaning of Article XV,
13 Section 2, of the Arizona Constitution.

14 2. The Commission has jurisdiction over Ionex and over the subject matter of the
15 Application.

16 3. The Commission, having reviewed the Application and Staff's Memorandum has
17 determined that the Third Amendment to the Interconnection Agreement negotiated between
18 Qwest and Ionex meets the requirements of Section 252(e)(2)(A) of the 1996 Act, which governs
19 the approval of voluntarily-negotiated agreements and is in the public interest.

20 4. The Commission maintains jurisdiction over the subject matter of the Agreement and
21 Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by
22 the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules
23 promulgated thereunder.

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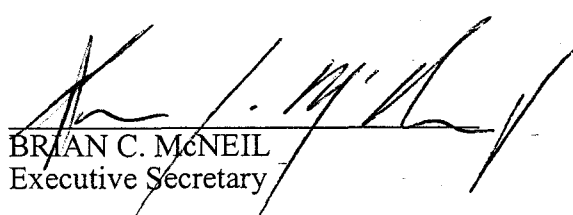
ORDER

IT IS THEREFORE ORDERED that the Commission hereby approves the Third Amendment to the Interconnection Agreement between Qwest and Ionex filed on February 27, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION
CHAIRMAN
COMMISSIONER
COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 4th day of May, 2001.


BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:EAA:jbc/MAS

1 SERVICE LIST FOR: QWEST CORPORATION AND IONEX COMMUNICATIONS NORTH,
2 INC.

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